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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,583	12/17/2001	William R. Lehman	T3392-000000	5426

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

PHAM, MINH CHAU THI

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/015,583		LEHMAN, WILLIAM R.	
	Examiner		Art Unit	
	Minh-Chau T. Pham		1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 12, 15-18, 24, 27, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2).

Miller et al disclose a mail sterilizing apparatus comprising a sealed room (40, col. 3, lines 6-12) having an inlet, a vacuum unit (51) which creates a negative pressure within the room (40) by suctioning air through the air inlet into the room (40) and then from the room into an inlet of the vacuum unit (51) wherein the vacuum unit creates a laminar flow of air within the room, and a filter unit (46) which filters air. The system has a work surface (80 in Fig. 3) disposed in the sealed area and air being suctioned downwardly through the work surface. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a mail sterilizing apparatus as taught by Miller et al to provide an effective decontamination device for sterilizing articles of mail that may be tainted with anthrax or other pathogens (col. 1, lines 13-16).

Claims 2-6 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2), as applied supra, and further in view of Long et al (5,713,791; col. 2, lines 38-46 and lines 54-64; col. 3, lines 5-21 and lines 31-55).

Claims 2-6 and 19-23 call for the sealed room having a modular construction with removable walls and at least one transparent wall. Long et al disclose a clean room having a modular construction with removable walls and at least one transparent wall. It

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would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sealed room of Miller et al with modular construction with removable walls and at least one transparent wall as taught by Long et al to provide an effective mechanism to transport products between two separate clean room environments that would eliminate the requirements of a decontamination station for the products before they can be reintroduced into the second clean room environment.

Claims 7-9 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2), as applied supra, and further in view of Renz (6,358,139; 9 in Fig. 1; col. 2, lines 21-25).

Claims 7-9 and 30-32 call for an air lock room connected to the sealed room. Renz discloses an air lock room (9) connected to the sealed room wherein the air inlet extends between the sealed room and the air lock room and wherein the air suctioned through the air inlet resides within the air lock room, and another air inlet which allows air to pass from the outside source into the air lock room. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sealed room of Miller et al with an air lock room as taught by Renz so that fresh air flowing through the filter reaches directly the sealed room and eliminates most of the contaminants from the air stream.

Claims 10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2), as applied supra, and further in view of Chornenky et al (6,185,294 B1; col. 1, lines 39-45).

Claims 10 and 25 call for an intercom system which allows a person outside to communicate with a person inside the room. Chornenky et al disclose an intercom system which allows a person outside to communicate with a person inside the room. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt the intercom system as taught by Chornenky et al in the sealed room of Miller et al so that a person working inside the sealed room can communicate with others in the outside without having physically to go out of the sealed room and be contaminated.

Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2), as applied supra, and further in view of Hofstra et al (5,085,134; col. 6, lines 32-42).

Claims 11 and 26 call for a warning device which provides an indication that the sealed room is in use. Hofstra et al disclose a warning device which provides an indication that the smoker's booth is in use. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sealed room of Miller et al with a warning device as taught by Hofstra et al so that the device would detect the presence of a user and let others know that the sealed room is in use.

Claims 13, 14 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al (6,737,029 B2), as applied supra, and further in view of Kinkead et al (5,626,820; 14, 24, 46, 48 & 50 in Fig. 1A; col. 5, lines 15-26; col. 6, lines 9-17).

Claims 13, 14 and 28 call for a multi-layered filtration system to remove various ranges of particles sizes and a chemical filter. Kinkead et al disclose a multi-layered

filtration system of a clean room wherein the filtration system removes various ranges of particle sizes and a chemical filter. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt the multi-layered filtration system as taught by Kinkead et al in the sealed room of Miller et al since the filtration system removes not only the particles from the air stream but also the chemical contaminants produced by the processing station.

Response to Amendment

Applicant's arguments filed on July 12, 2004 have been fully considered but they are not persuasive.

Applicant argues that the Kisakibaru et al do not disclose the "work surface through which air is drawn". The Examiner now drops the Kisakibaru et al reference and newly introduces the Miller et al reference to show a mail sterilizing apparatus comprising a sealed room (40, col. 3, lines 6-12) having an inlet, a vacuum unit (51) which creates a negative pressure within the room (40) by suctioning air through the air inlet into the room (40) and then from the room into an inlet of the vacuum unit (51) wherein the vacuum unit creates a laminar flow of air within the room, and a filter unit (46) which filters air. The system has a work surface (80 in Fig. 3) disposed in the sealed area and air being suctioned downwardly through the work surface. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a mail sterilizing apparatus as taught by Miller et al to provide an effective decontamination device for sterilizing articles of mail that may be tainted with anthrax or other pathogens (col. 1, lines 13-16). Miller et al clearly disclose a work

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surface (80) with a piece of mail (8) on it while air is drawn by the vacuum unit (51) downwardly through the work surface (80) and through the filter unit (46), as claimed.

Applicant's arguments with respect to claims 1-33 have been thoroughly considered but are moot in view of the new ground(s) of rejection as discussed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Malatesta (5,398,922) discloses a feeder system for a mail sorter.
- Cordery et al (6,613,571 B2) disclose a system for detecting biological and chemical hazards in mail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Minh-Chau Pham
Patent Examiner
Art Unit : 1724
September 20, 2004

DUANE SMITH
PRIMARY EXAMINER


9-20-04